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Filing date: **05/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227227
Party	Defendant TOTO LIMITED
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Submission	Answer
Filer's Name	Justin R. Young
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Date	05/16/2016
Attachments	Answer to Opposition 91227227 - 5-16-16.pdf(44180 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

North American Beverages, LLC Opposer	)	
v.	)	Opposition No.: 91227227
Toto Limited	)	Serial No.: 86/721140
Applicant	)	

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Toto Limited (“Applicant”), for its answer to the Notice of Opposition filed by North American Beverages, LLC (“Opposer”), against application for registration of Applicant’s trademark “BIG COLA & Design (in color)”, Serial No. 86/721140 filed on August 11, 2015 and published in the Official Gazette of January 5, 2016, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant admits the allegations contained therein.
2. Answering Paragraph 2 of the Notice of Opposition, Applicant admits the allegations contained therein.
3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

13. Answering Paragraph 13 of the Notice of Opposition, Applicant repeats and realleges each and every answer contained in paragraphs 1-12, inclusive, of Applicants Answer to Notice of Opposition as if fully recited in this paragraph.

14. Answering Paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

15. Answering Paragraph 15 of the Notice of Opposition, Applicant repeats and realleges each and every answer contained in paragraphs 1-14, inclusive, of Applicants Answer to Notice of Opposition as if fully recited in this paragraph.

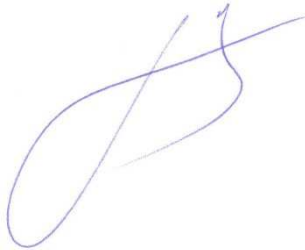
16. Answering Paragraph 16 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

17. Answering Paragraph 17 of the Notice of Opposition, Applicant repeats and realleges each and every answer contained in paragraphs 1-16, inclusive, of Applicants Answer to Notice of Opposition as if fully recited in this paragraph.

18. Answering Paragraph 18 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands that Opposer provides specific proof thereof.

Toto Limited

By and through they attorney



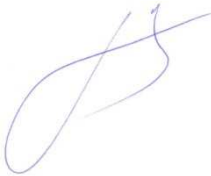
Dated: May 16, 2016

Justin R. Young  
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Chicago, Illinois 60606  
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[jyoung@dineff.com](mailto:jyoung@dineff.com)

**Certificate of Service**

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION** was served this date May 16, 2016 upon Opposer's address of record by First-Class mail, postage prepaid, as follows:

Roseann Keeler  
Bldg. 1, Suite 450  
6500 River Place Blvd.  
Austin, TX 78730  
Phone: 512-501-3884



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Justin R. Young